App. F. IX-4

193 S. (Law)

File No. 90-35.

Previous References
C 5-32-34-3-8

Serial Nos. 1--4

PRESERVED

Letter References.
ch 162-40 (1-9)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Jom

Part B for Nov '35

SUBJECT.

Re. Devamma a Crl. lunatic detained in the Mental Hospital Bijne under the orders of the Dist-l Sessions Judge, Bijne under Sec 471 Cr. P.C., in Bijne S.C. no-1/35-36 on his file

4 To

The Dy. J. Prisons
" Senior Asyem
" D.M. Bijne
" Regr Hel.
" Dist-l Sessions Judge Bijne.

WD 03607—GPB—22,500—2-8-35

No. P3137. 41 dt 9-11-35.

Directs that the above lunatic may be discharged and delivered to the custody of Mr. Rudrappa, her husband on certain Conditions

Dr. Abdul Aziz
2. 12. 35

Serial No.

From,

The Dt. and Sessions Judge, Bellary
no. M.T. 661 dt 25.10.35 forwarding for
information a copy of the judgment
passed in Sessions case 1/35 and stating that
the accused who has been acquitted
of the offences under sec 302 & 309 Cr.P.C.
has been ordered to be detained in the
Mental Hospital, Bellary for safe custody
until orders of Govt are passed under
sec 471 Cr.P.C.

Petition dated 25.10.35 presented by
Mr. Kotteswaraiyer, on behalf of one
Rudrappa praying that his wife
Devamma, accused in the above Case
may be handed over to him

1) Facts of the Case are narrated in pp 2-4 of
the judgment. The accused Devamma was
Charged for offences under sec 302 and 309 I.P.C.
(murder, and attempt to Commit suicide respectively)
The learned Judge while observing that the accused
was of unsound mind acquitted her of the
Charges framed against her, and ordered that she
be detained in the mental hospital for safe custody

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

2561
2551

File No. of 193 S. | General and Revenue Secretariat

pending orders of Govt. under rule referred to.

2) The petitioner's representative (his wife and daughter) accused Devamma was at no time violent and harmful and therefore prays that she may be handed over to his Custody under such Conditions as may be imposed

3) The Supt. Mental Hospital may be Consulted whether the alleged lunatic Devamma may be set at large If appd a report may be called for from him and the S.S. submitted for orders

ISD 29/10.

4) The petition with its ~~enclosures~~ enclosures may be sent to the Dy of Prisons for an immediate report as to the condition of the Criminal lunatic and the desirability or otherwise of her being released & handed over to the husband.

BDP
29/10

Dft ord accordingly

ISD 29/10

1) Issue forthwith
BDP 29/10

Issued no. S. 2855 dt 29.4.35

TYPING SECTION
29 OCT. 1935

Secy A
31/10.
Letter issued
5-11-35

Serial No.

6) Lr to with a dft R^z as instructed
VSD 2/11

7) Issue at once
2/11/35

Issued no. P. 2978 d 2.11.35.

From,

The Senior Surgeon

No. nil/35 d 2.11.35 forwarding a Copy of the letter d 31.10.35 from the Supt Mental Hospital stating that Devamma does not exhibit any signs of mental disease and that she may be discharged from the hospital and ~~prisoner~~ expressing that he is agreeable to her release

8) Ref[s] paras 1 to 5 supra

The Supt mental hospital is of opinion that Devamma who exhibits no signs of mental disease may be discharged and handed over to the Care of her relatives under certain Conditions mentioned in his letter of 31.10.35. Under sec 475 Cr. P.C. a security bond is necessary in case that she is ordered to be delivered to the Care of her husband, a one relative. The G. Ad. may be requested to suggest a dft bond.

Submit for orders

VSD 3/11

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

File No. of 193

General and Revenue Secretariat

9) The Senior Surgeon says that the lunatic now in custody in the Mental Hospital may be discharged under Sec 475 Cr P C & handed over to the custody of her husband on his agreeing to execute the security bond required under the section. A form of the security bond suggested by the G. P. on a similar occasion in the case file 32-34 placed below is sufficient for the purpose. The security may be fixed at Rs 5000/- as in that case. If appd the petitioner's advocate will be informed to produce the necessary security bond duly executed before a magistrate, on receipt of which further orders of release under Sec 475 may be passed.

10) Gen Secy) This may be appd pse
5/11/35

MW
5/11

pse
5/11

First Member)

1
5/11

MW
6/11

11) Approved
pse
6/11

GENERAL SECRETARIAT
8.12

OFFICE OF THE FIRST MEMBER OF COUNCIL
6 NOV 1935
No. 2927

263 / 2732

General and Revenue Secretariat | Law File No. 90 of 1935. | [App. F. III—2

Serial No.

1/2) Dft Sub² for appl

ISD 7/11

1/3) Issue at once
pml 7/11

To,

Mr. N. Keshavaiengar. Adv. Bl'ore
no. S. 307 d 7.11.35 informing to produce a
properly stamped security bond

Sus 8/11

From
Mr. S. D. Ganesha Rao,
Letter Dt - 8-11-35 producing the
Security bond as required.
Submitted with a ⅁
for orders.

All the formalities prescribed
by law have been satisfied.
The draft order directing discharge
may be now approved.

Gen Secy) 9/11/35

9/11

pml 9/11

First Member)

S/DV 9/11

Issue above Draft

pml 9/11

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

Law File No. 90 285 of 1938. General and Revenue Secretariat

The G. S. P.

" S. S.

" D. M.

" Regr. H. Ct.

" Dist & Sessions Judge, Belgaum

G. O. no. P. 3137-41 d. 9. 11. 35 directing that the Criminal lunatic may be discharged and delivered to the custody of Rudrappa.

B
18/11/35

From

T. SINGARAVELU MUDALIAR, Esq., B.A., B.L.,
District and Sessions Judge,
Bangalore Division.

No. 11-T-661 Dated 24th October 1935.
Ex: 1 Pt. 25.

To No 884-35-L&O/1935

The Chief Secretary to the
Government of His Highness the
Maharaja of Mysore,
Bangalore.

Law
25 OCT. 1935

Sir,

I have the honour to forward herewith for information of Government a copy of Judgment passed in Bangalore Sessions Case No. 1 of 35-36 on the file of this Court and to state that the accused who has been acquitted of the offences with which she was charged, has been ordered to be detained in the Mental Hospital, Bangalore, for safe custody until orders of Government are passed about her under Section 474 of the Code of the Criminal Procedure.

Law
There has been a petition presented by the husband of the accused under sec 475 Cr.P.C Please put up refer immediately
BBC 25/10

I have the honour to be,
Sir,
Your most obedient servant
T. Singaravelu
SESSIONS JUDGE.

BCR.

IN THE COURT OF SESSIONS, BANGALORE DIVN.

Bangalore, Dated the 24th October 1935.

Present

T. SINGARAVELU MUDALIAR, ESQ., B.A.,B.
Sessions Judge.

Bangalore Sessions Case No. 1 of 35-36.

Government of Mysore .. Prosecutor.

-Vs.-

Devamma. .. Accused.

Charge:

Under Sections 302 and 309
Indian Penal Code.

....

J U D G M E N T.

The City Magistrate, Bangalore, committed the accused for trial of offences under Sections 302 and 309 Indian Penal Code. The accused was charged as follows:

"That you, on or about the 30th day of March 1935, in Bangalore City at Kottige Veerabhadriah's lane committe murder by causing the death of your son Revanna and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within the cognizance of the Court of Sessions, Bangalore Division.

2. That you, on or about the 30th day of March 1935 at Kottige Veera-bhadriah's lane, Bangalore City, committed

committed murder by causing the death of your son Shiv..... and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Sessions, Bangalore Division.

That you, on or about the 30th day of March 1935, at Kottige Veerabhadriah's lane, Bangalore City, attempted to commit suicide, and did an act, to wit- fell into the well in your house; towards the commission of it and thereby committed an offence punishable under Section 309 of the Indian Penal Code, and within the cognizance of the Court of Sessions, Bangalore Division."

2. The accused pleaded not guilty and ed to be tried.

3. The prosecution case is as follows: In the house, door No.22 in Veerabhadriah's lane in Akkipet, Bangalore City, P.W.5 Rudrappa, his wife and two sons Revanna ~~—~~ Shivanna, his mother Malamma and her ~~son~~ brothers were living. They were milk-sellers by profession. On 30th of March 1935, Rudrappa P.W.5 and his brothers had gone out of the house. At about 11 A.M. ~~Kaika~~ Malamma P.W.4, the accused and her two sons Revanna and Shivanna were alone in the house. Revanna and Shivanna were playing about and the accused was sitting in the house Malamma went to answer calls of nature and on her

return

return she did not find the accused and her two sons in the house but she saw all of three of them in the well inside the house. She bawled out. Then P.W.1 Ramiah, P.W.2 Narayppa and P.W.3 Nagappa came there. P.W.1 got down the well first, after him P.W.2 and after him -- P.W.3. They brought out all three of them. The boys Revanna and Shivanna had lives still ~~alive~~ left in them. The accused also was alive. First aid was rendered to the boys but proved fruitless since they died a few minutes later. The accused however survived. P.W.7 Audramunippa who lives closeby was attracted by the noise in the house of the accused and on going and seeing what had occurred there he went to the Kengeri Gate Police Station where he complained to the Police Jaffedar P.W.9 who recorded his complaint Exhibit P.1 at 1 P.M. He registered the case and gave information to the Sub Inspector. He went to the spot and saw the two sons dead and he saw the accused alive and sitting.

4. The Police Inspector P.W.10 held the inquest on the dead bodies of Revanna and Shivanna. He examined witnesses and sent the two bodies through Police -- Constable Krishnappa P.W.12 and Police Constable Mallish P.W.11 for post-mortem examination. After the inquest, he registered the case under Sections 302

and

and 309 Indian Penal Code. He arrested the accused. Since the accused did not give proper replies and appeared to be insane and not well, he sent her to the Victoria -- Hospital whereform he got the reply Exhibit P.2 from the Medical officer stating that an Devamma appeared to be of unsound mind she might be taken to the Mental Hospital for observation and treatment. Therefore the Inspector P.W.10 got a remand for the accused. He completed the investigation and submitted the charge-sheet on 9.4.1935.

5. On 31.3.1935 P.W.13 Mr. B.R. Ramalinga Reddy, Assistant Surgeon, held the post-mortem on the bodies of Revamma and Shivanna. He observed Revanna to be 7 years old and the following injuries on his body: An irregular abrasion on the right hip 2" X ½" and another abrasion on the right elbow posteriorly 1" X ½". The organs of the body were healthy except that the kidneys, spleen and the liver were slightly congested. The death of Revanna appeared to be due to asphyxia as the result of drowning. The injuries described above according to him might have been caused by those ~~marking~~ parts coming in contact with i.e. by rubbing over a hard surface. He also says that asphyxia some times causes congestion of the liver, kidneys and the spleen. Exhibit P.3 is the post mortem certificate he gave regarding the examination of Revanna's body.

Shivanna

Shivanna appeared to be three years old. No injuries were observed on his body. There was slight congestion of the liver, kidneys and the spleen. He is of opinion that the death of Shivanna was due to asphyxia as a result of drowning. Exhibit P.4 is the post mortem certificate he gave regarding the examination of -- Shivanna's body.

6. The City Magistrate Mr. S. Narayana Rao examined the prosecution witnesses on 10.4.1935 and as the accused did not answer to any of his questions posted the case for 23.4.1935 for arguments. On 26.4.1935 he passed the following order:

"In this case 13 P.Ws. have been -- examined. The accused has throughout shown herself to be of unsound mind. She has never answered questions put. When she was examined after the examination of the 13 P.Ws. she remained silent with an occasional smile. -- Nothing could be got out of her. She seems to be incapable of making the defence. She will therefore be sent to the Superintendent, Mental Hospital for examination under section 464(1) Criminal Procedure Code and the latter officer will be asked to appear before this Court for examination. The accused will be forwarded to the Mental Superintendent for observation and she will be in safe custody in the Mental Hospital

Hospital for that purpose till a further order is passed after examining the Superintendent. The matter will be reported to the District Magistrate under Section 466 (2) Criminal Procedure Code for being brought to the notice of the Government".

The case was posted to 3.5.1935. The Superintendent, Mental Hospital, wrote asking for a week's extension of time. On 16.5.1935 the Magistrate passed the following order:

> "The accused is present. She is much better and answers questions but thinks her two sons are at home. The Superintendent, Mental Hospital, examined. He says that she is not of unsound mind now and thinks capable of making her defence. The prosecution want to go on with the case. Mr. Ganesha Rao for accused prays for bail. In the circumstances of the case she will be let on bail on her furnishing three sureties for Rs.300/- each. They are advised not to take her back to the old house lest the shock at not finding her sons alive should upset her and cause derangement again".

Mr. Narayana Rao was transferred and on 13.6.35 his successor the present City Magistrate examined the prosecution witnesses and committed the accused.

7. The first question for consideration is whether the accused threw her two sons and herself into the well and as a result of which the sons Revanna and Shivanna died.

The

The evidence of P.W.4 Valamma is that on the date of the occurrence she saw the accused sitting in her house and her two deceased sons Jeevanna and Shivanna playing about in her presence, that she went to answer calls of nature and on her return found the accused and the two sons inside the well. That the accused and her two sons were in the well is spoken to not only by P.W.4 but also by P.Ws.1, 2 and 3 who say that they brought the accused and the two sons out of the well. They also say that the two sons were alive for 10 or 15 minutes after they were brought out and lots of their efforts to restore the boys they died. There is thus no room for doubt that the accused and her two sons were found in the well and that the two boys died after they were brought out. The evidence of the doctor P.W.10 shows that the deaths of the two boys were due to asphyxia as the result of drowning. Thus there is no doubt that the two boys died as a result of drowning in the well.

8. The question then is whether it was the accused who threw them into the well. P.W.4 Valamma in her evidence says as follows:

> "The accused was not in her senses. She was possessed of evil spirits .... The accused has been possessed of evil spirits for the last three years. We tried to cure her of it. We did

but

not succeed. In her insane movements the accused would be gloomy and dull and will be sitting quiet with her two children. She was not sleeping at night nor was she taking food during those insane movements. - She has been continuously like that for the last 3 years. On the day of the occurrence she was gloomy in the same condition. She is in the same condition even now. She takes her meals in her lucid intervals. She was fond of her children and would never seperate herself from them. The accused and I were on good terms. The accused and her husband were on good terms".

P.W.5 Rudrappa the husband of the accused says

"The accused and I were on good terms. The accused has not been keeping well for the last two years. Once a month or two she would get out of her senses. The fit would last 4 or 5 days at a time and some times 8 or 10 days. During the fits the accused would not take her meal, nor would she sleep. She would be sitting quiet. From three days prior to the occurrence the accused had the fit. The accused was fond of her children".

P.W.6 Venkatalakshmamma, a neighbour of the accused says:

"The accused was looking gloomy and could not understand what she was doing.

I was talking to her sometimes. If she was all right she would reply. Sometimes she would not. Her two sons are dead. On the date of the occurrence the accused was gloomy. I talked to her and she did not respond. The accused was fond of her two sons. On the date of the occurrence also, the accused was not in a state to understand what was going on".

P.W.7 Nallamuniappa says:

"The accused has been out of her senses within the last two years".

In Exhibit P.1 also he had stated that the accused was out of her senses.

P.W.8 Sotu Rao, a neighbour of the accused's house says:

"I have known the accused for 3 years. The accused gets into a fit of insanity once a month or so during New Moon and Full moon. She would then be gloomy and would not talk ..... The accused was dull on the day she threw her sons into the well."

He further says:

"The accused did not have any sense or understanding during those fits. She was in that condition on the date of occurrence."

He admits that he did not see the children falling into the well.

P.T.O.10

P.W.10 Narayana Setty says:

"The accused could not understand my questions at all. She was not in a position to understand that her two sons had died. The corpses of her two children were in her presence at the inquest. She did not look at them. She did not weep. She was in custody for 4 or 5 days. Her condition was the same during that period.".

P.W.14 Dr. F. Noronha who was in charge of the Mental Hospital in April and May 1935 says:

"I see the accused before Court. The City Magistrate, Bangalore, sent her to me for observation on 26.4.1935. I kept the accused under observation in the Mental Hospital till 16.5.1935. On 26.4.1935 she appeared scared and frightened and would not talk. She had no powers of understanding. This condition lasted for about two days. During those two days, she was not eating or sleeping. I got particulars of the charge against her from the City Magistrate. She did not seem to remember anything that lead to the crime. That is to say she had no memory of the acts attributed to her ..... Later on he says: "I got the history of the accused from her husband.. From that history I say that if the accused committed any act

act during the period of insanity she would not be in a position to remember the act during her lucid interval. During the period of insanity of the accused, she would not be capable of knowing the nature of the act done by her then nor of knowing that she was doing that is either wrong or contrary to law".

9. From the evidence above stated it follows that on the date of the occurrence the accused who was getting into ~~monthly~~ mental derangement had a fit on that day, that she was seen by P.W.4 Valamma her mother-in-law sitting -- gloomily with her two sons Jevanna and Shivanna playing about and thatx some time later the accused and her two sons were found in the well.

10. The question is whether the accused could not have thrown the -- children - the two boys and herself into the well. There was a suggestion made by the defence counsel that the accused might have slipped into the well and her two boys also jumped into the well seeing the mother inside. It appears to me to be not possible that the accused could have slipped into the well nor does it appear to be possible that the boys could have slipped into

the

the well as the evidence of P.W.10 shows that there was a parapet wall of 2½ feet round the brink of the well. There is no other possible way of explaining the presence of the accused and the two boys inside the well than that the accused threwing the two boys and herself into the well, ~~Because~~ though P.W.4 Malamma, mother-in-law and P.W.5 the husband of the accused say that there was no quarrel or any illfeeling between the accused and either of them. I therefore conclude that the accused must have thrown the two boys into the well and therefore she would be guilty of the offence under Section 302 of the Indian Penal Code if there were no circumstances falling within Section 84 of the Indian Penal Code.

11. I also conclude that the accused ~~threw~~ herself into the well and the ~~xxxxxx~~ reasonable inference to be drawn from her act is that she attempted to commit suicide and therefore would be guilty of the offence under Section 309 Indian Penal Code if there were no circumstances bringing her within the provisions of Section 84 Indian Penal Code.

12. The further question is whether the accused was by reason of unsoundness of mind incapable of knowing the nature of the act or that she was doing what was either wrong or contrary to law. The evidence of P.W.14 is "I got the history of the accused from her

her husband. From that history I say that if the accused committed any act during the period of insanity/she would not be in a position to remember the act during her lucid interval. During the period of insanity of the accused, she would not be capable of knowing the nature of the act done by her then nor of knowing that she was doing what is either wrong or contrary to law". From the evidence of P.W.4 Valamma, P.W.5 Kuttappa, P.W.6 Venkatalakshmamma, P.W.8 Ramu etc., it is clear that the accused was in a fit of gloomy at the time of the occurrence and so the accused could not have by reason of unsoundness of mind been capable of knowing the nature of the act or that she was doing what was either wrong or contrary to law. Her case therefore falls under Section 84 of the Indian Penal Code.

13. Two of the assessors were of opinion that the accused threw Jayanna and Shivanna and she also fell into the well but she is not guilty as she was insane then and did not understand the nature of the act or the consequences of her act of either of the offences namely, Section 302 or 309 Indian Penal Code. The other assessor was of opinion that the accused was not guilty of any of the offences charged as in his opinion the accused and the boys might have fallen accidentally into the well.

14.

14. Agreeing with the opinion of the two of the assessors I find that the accused threw the boys Revanna and Shivanna into the well and she also fell into the well but she is not guilty of the offences under Section 302 or 309 Indian Penal Code as she by reason of unsoundness of mind was incapable of knowing the nature of her act or that she was doing what was either wrong or contrary to law. I therefore acquit her of the charges.

15. Under Section 477 Criminal Procedure Code, the accused shall be kept in the Mental Hospital, Bangalore and a report will be made to the Government.

Pronounced in Open Court by dictation to Shorthand Writer and the transcript thereof after revision has been signed.

DISTRICT & SESSIONS COURT, BANGALORE DIVISION

Sd/ T. Singaravelu Mudaliar.
Sessions Judge.
24.10.1935.

Copy

V. Krishnaswamy Iyengar

Sheristedar

NC.

Appendix.

IN THE COURT OF SESSIONS, BANGALORE DIVISION.

Bangalore Sessions Case No. 1 of 35-36.

Government of Mysore. -Vs.- Sevanna.

---

1. The following witnesses were examined on behalf of prosecution:-

P.W.1. Ramiah.
2. Nanappa.
3. Doddappa.
4. Malleppa.
5. Subbappa.
6. Venkatachalappa.
7. Subramaniappa.
8. Ketu Naik.
9. Ranjeeva Raju.
10. Dr. Narayana Reddy.
11. Gollish.
12. Krishnappa.
13. Mr. B. G. Ranganatha Reddy.
14. Mr. J. Noronha.

2. No witnesses were examined on behalf of Defence.

3. The following documents were admitted in evidence on behalf of prosecution:-

P.1. Statement of Subramaniappa recorded by the Police on 30.3.35.

2. Docket No.2658 dated 3.4.1935 from the Medical Officer, Victoria Hospital, to the Inspector of Police, Bangalore City Crime Branch.

3. Post mortem certificate for having conducted post mortem on the body of Sevanna.

4. Post mortem certificate for having conducted post mortem on the body of Nivappa.

5. Examination of the accused before the Lower court.

4. The following documents were admitted in evidence on behalf of defence:

D.1 to D.3. Depositions of deposition of P.W.13 before the lower court who is P.W.16 in this court.

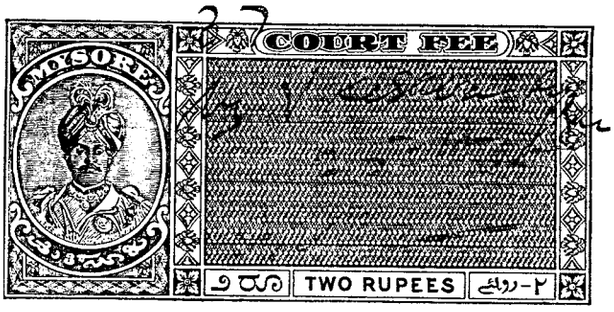
5. No articles were marked in the case.

...

MS.

55 17
P 835

869-35-1



BEFORE THE GOVERNMENT OF HIS
HIGHNESS THE MAHARAJA OF MYSORE
AT BANGALORE.

Presented by Sri. N. Keshavamurthy Advocate

Criminal Misc. Petition No. of 1985-86.

Early XXX
Has a reply been received from the Court under Sec 477 Cr.P.C.
[illegible] 25/10/85

PETITIONER :- Rudrappa, son of Lingappa, residing at Kottige Veerabhadrappa's Lane, Ambipet, Bangalore City.

Under Section 435 Clause (1) of the Code of Criminal Procedure, the petitioner abovenamed most respectfully begs leave to state as follows:-

1. In Bangalore Sessions Case No.1 of 1985-86 the learned Sessions Judge tried the accused Devamma for offences under Sections 302 and 309 of the Indian Penal Code, that is, causing the death of her own two children by throwing them into a well, and herself falling into it and thereby attempting to commit suicide. The learned Judge after consideration of the medical and other evidence in the case, has held that the accused has in fact committed the two said culpable acquitted her giving the benefit of Section 84 of the Indian Penal Code.

2. At the same time the learned Sessions Judge has ordered her to be kept in the Mental Hospital, Bangalore, under Section 471 of the Code of Criminal Procedure, pending orders of the Government in the matter.

3. The petitioner respectfully submits that the abovesaid Devamma was at no time violent and harmful and has been normal so far as her mental condition is concerned since the 6th of May 1935 as testified by the Superintendent of the Mental Hospital, who was examined as a prosecution witness in the above case.

4. The above said Devamma is the wife of the petitioner and they have been on cordial terms with each other. The petitioner assures that she has been quite alright since the 6th of May 1935.

5. The accused was on bail both in the committing Magistrate Court as well as in the Sessions Court and no harm has been done to any one by the accused being at large and much less to herself.

6. The petitioner gives an undertaking that he will take good care of his wife, Devamma, and abide by such conditions as may be imposed in this behalf by this Hon'ble Court.

7. A copy of the Judgment of the trial Court is produced herewith for kind perusal.

Wherefore the petitioner most respectfully prays that this Hon'ble Court may magna

magnanimously be pleased to direct that she may be given to his custody.

The petitioner further respectfully prays that pending disposal of this application, this Hon'ble Court may be pleased to pass an ad-interim order directing that his wife, Devamma may kindly be immediately handed over to him.

L.T.M. of Ruvarappa

Bangalore,)
25th October 1935.)

Petitioner.

N. Keshavaiengar

ADVOCATE FOR PETITIONER.

-:x:-

IN THE COURT OF SESSIONS, BANGALORE DIVN:

Bangalore, Dated the 24th October 1935.

Present

T. SINGARAVELU MUDALIAR, ESQ., B.A., B.L.

Sessions Judge.

Bangalore Sessions Case No. 1 of 35-36.

Government of Mysore .. Prosecutor.

-Vs.-

Devamma. .. Accused.

Charge:

Under Sections 302 and 309
Indian Penal Code.

....

J U D G M E N T.

The City Magistrate, Bangalore, committed the accused for trial of offences under Sections 302 and 309 Indian Penal Code. The accused was charged as follows:

"That you, on or about the 30th day of March 1935, in Bangalore City at Kottige Veerabhadriah's lane committed murder by causing the death of your son Revanna and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within the cognizance of the Court of Sessions, Bangalore Division.

2. That you, on or about the 30th day of March 1935 at Kottige Veerabhadriah's lane, Bangalore City, committed

committed murder by causing the death of your son Shivanna and thereby committed an offence punishable under Section 302 of the Indian Penal Code, and within the cognizance of the Court of Sessions, Bangalore Division.

3. That you, on or about the 30th day of March 1935, at Kottige Veerabhadrian's lane, Bangalore City, attempted to commit suicide, and did an act. to wit- fell into the well in your house; towards the commission of it and thereby committed an offence punishable under Section 309 of the Indian Penal Code, and within the cognizance of the Court of Sessions, Bangalore Division.

2. The accused pleaded not guilty and claimed to be tried.

3. The prosecution case is as follows: In the house, door No.22 in Veerabhadriah's lane in Akkipet, Bangalore City, P.W.5 Rudrappa, his wife and two sons Revanna and Shivanna, his mother Malamma and her ~~son~~ mother were living. They were milk-sellers by profession. On 30th of March 1935, Rudrappa P.W.5 and his brothers had gone out of the house. At about 11 A.M. ~~Kxxxx~~ Malamma P.W.4, the accused and her two sons Revanna and Shivanna were alone in the house. Revanna and Shivanna were playing about and the accused was sitting in the house. Malamma went to answer calls of nature and on her return

return she did not find the accused and her two sons in the house but she saw all ~~of~~ three of them in the well inside the house. She bawled out. Then P.W.1 Ramiah, P.W.2 Arasappa and P.W.3 Basappa came there. P.W.1 got down the well first, after him P.W.2 and after him -- P.W.3. They brought out all three of them. The boys Revanna and Shivanna had lives still ~~alive~~ left in them. The accused also was alive. First aid was rendered to the boys but proved fruitless since they died a few minutes later. The accuse however survived. P.W.7 Rudramuniappa who lives closeby was attracted by the noise in the house of the accused and on going and seeing what had occurred there he went to the Kengeri Gate Police Station where he complained to the Police Naffedar P.W.9 who recorded his complaint Exhibit P.1 at 1 P.M. He registered the case and gave information to the Sub Inspector. He went to the spot and saw the two sons dead and he saw the accused alive and sitting.

4. The Police Inspector P.W.10 held the inquest on the dead bodies of Revanna and Shivanna. He examined witnesses and sent the two bodies through Police -- Constable Krishnappa P.W.12 and Police Constable Nallish P.W.11 for post-mortem examination. After the inquest, he registered the case under Sections 302

-1

and 309 Indian Penal Code. He arrested the accused. Since the accused did not give proper replies and appear ~~to~~ ad to be insane and not well, he sent her to the Victoria -- Hospital wherefrom he got the reply Exhibit P.2 from the Medical officer stating that as Devamma appeared to be of ~~insane~~ unsound mind she might be taken to the Mental Hospital for observation and treatment. Therefore the Inspector P.W.10 got a remand for the accused. He completed the investigation and submitted the charge-sheet on 9.4.1935.

5. On 31.3.1935 P.W.13 Mr. B.R. Ramalinga Reddy, Assistant Surgeon, held the post-mortem on the bodies of Revanna and Shivanna. He observed Revanna to be 7 years old and the following injuries on his body: An irregular abrasion on the right hip 2" X ½" and another abrasion on the right elbow posteriorly 1" X ¾". The organs of the body were healthy except that the kidneys, spleen and the liver were slightly congested. The death of Revanna appeared to be due to asphyxia as the result of drowning. The injuries described above according to him might have been caused by those ~~parts~~ parts coming in contact with i.e. by rubbing, over, a hard surface. He also says that asphyxia some times causes congestion of the liver, kidneys and the spleen. Exhibit P.3 is the post mortem certificate he gave regarding the examination of Revanna body.

Shivanna

Shivanna appeared to be three years old. No injuries were observed on his body. There was slight congestion of the liver, kidneys and the spleen. He is of opinion that the death of Shivanna was due to asphyxia as a result of drowning. Exhibit P.4 is the post mortem certificate he gave regarding the examination of -- Shivanna's body.

6. The City Magistrate Mr. L. Narayana Rao examined the prosecution witnesses on 18.4.1935 and as the accused did not answer to any of his questions posted the case for 23.4.1935 for arguments. On 26.4.1935 he passed the following order:

"In this case 13 P.Ws. have been -- examined. The accused has throughout shown herself to be of unsound mind. She has never answered questions put. When she was examined after the examination of the 13 P.Ws. she remained silent with an occasional smile. -- Nothing could be got out of her. She seems to be incapable of making the defence. She will therefore be sent to the Superintendent, Mental Hospital for examination under Section 464(1) Criminal Procedure Code and the latter officer will be asked to appear before this Court for examination. The accused will be forwarded to the Mental Superintendent for observation and she will be in safe custody in the Mental Hospital

Hospital for that purpose till a further order is passed after examining the Superintendent. The matter will be reported to the District Magistrate under Section 466 (2) Criminal Procedure Code for being brought to the notice of the Government".

The case was posted to 3.5.1935. The Superintendent, Mental Hospital, wrote asking for a week's extension of time. On 16.5.1935 the Magistrate passed the following order:

> "The accused is present. She is much better and answers questions but thinks her two sons are at home. The Superintendent, Mental Hospital, examined. He says that she is not of unsound mind now and thinks capable of making her defence. The prosecution want to go on with the case. Mr. Ganesha Rao for accused prays for bail. In the circumstances of the case she will be let on bail on her furnishing three sureties for Rs.500/- each. They are advised not to take her back to the old house lest the shock at not finding her sons alive should upset her and cause derangement again".

Mr. Narayana Rao was transferred and on 13.6.35 his successor the present City Magistrate examined the prosecution witnesses and committed the accused.

7. The first question for consideration is whether the accused threw her two sons and herself into the well and as a result of which the sons Revanna and Shivanna died.

The

The evidence of P.W.4 Malamma is that on the date of the occurrence she saw the accused sitting in her house and her two deceased sons Kovanna and Shivanna playing about in her presence, that she went to answer calls of nature and on her return found the accused and the two sons inside the well. That the accused and her two sons were in the well is spoken to not only by P.W.4 but also by P.Ws.1, 2 and 3 who say that they brought the accused and the two sons out of the well. They also say that the two sons were alive for 10 or 15 minutes after they were brought out and inspite of their efforts to restore the boys they died. There is thus no room for doubt that the accused and her two sons were found in the well and that the two boys died after they were brought out. The evidence of the doctor P.W.13 shows that the deaths of the two boys were due to asphyxia as the result of drowning. Thus there is no doubt that the two boys died as a result of drowning in the well.

8. The question then is whether it was the accused who threw them into the well. P.W.4 Malamma in her evidence says as follows:

> "The accused was not in her senses. She was possessed of evil spirits .... The accused has been possessed of evil spirits for the last three years. We tried to cure her of it. We did

not

not succeed. In her insane movements the accused would be gloomy and dull and will be sitting quiet with her two children. She was not sleeping at nights nor was she taking food during those insane movements. She has been continuously like that for the last 3 years. On the day of the occurrence she was gloomy in the same condition. She is in the same condition even now. She takes her meals in her lucid intervals. She was fond of her children and would never separate herself from them. The accused and I were on good terms. The accused and he husband were on good terms".

P.W.5 Rudrappa the husband of the accused says:

"The accused and I were on good terms. The accused has not been keeping well for the last two years. Once a month or two she would get out of her senses. The fit would last 4 or 5 days at a time and some times 8 or 10 days. During the fits the accused would not take her meal, nor would she sleep. She would be sitting quiet. From three days prior to the occurrence the accused had the fit. The accused was fond of her children".

P.W.6 Venkatalakanmamma, a neighbour of the accused says:

"The accused was looking gloomy and could not understand what she was doing.

I was talking to her sometimes. If she was all right she would reply. Otherwise she would not. Her two sons are dead. On the date of the occurrence the accused was gloomy. I talked to her and she did not respond. The accused was fond of her two sons. On the date of the occurrence also, the accused was not in a state to understand what was going on".

P.W.7 Rudramuniappa says:

"The accused has been out of her senses within the last two years".

In Exhibit P.1 also he had stated that the accused was out of her senses.

P.W.8 Setu Rao, a neighbour of the accused's house says:

"I have known the accused for 3 years. The accused gets into a fit of insanity once a month or so during New Moon and Full moon. She would then be gloomy and would not talk ..... The accused was dull on the day she threw her sons into the well."

He further says:

"The accused did not have any sense or understanding during those fits. She was in that condition on the date of occurrence."

He admits that he did not see the children falling into the well.

P.W.10

P.W.10 Narayana Setty says:

"The accused could not understand my questions at all. She was not in a position to understand that her two sons had died. The corpses of her two children were in her presence at the inquest. She did not look at them. She did not weep. She was in custody for 4 or 5 days. Her condition was the same during that period.".

P.W.14 Dr. F. Noronha who was in charge of the Mental Hospital in April and May 1935 says:

"I see the accused before Court. The City Magistrate, Bangalore, sent her to me for observation on 26.4.1935. I kept the accused under observation in the Mental Hospital till 16.5.1935. On 26.4.1935 she appeared scared and frightened and would not talk. She had no powers of understanding. This condition lasted for about two days. During those two days, she was not eating or sleeping. I got particulars of the charge against her from the City Magistrate. She did not seem to remember anything that lead to the crime. That is to say she had no memory of the acts attributed to her" ..... Later on he says: "I got the history of the accused from her husband. From that history I say that if the accused committed any act

act during the period of insanity she would not be in a position to remember the act during her lucid interval. During the period of insanity of the accused, she would not be capable of knowing the nature of the act done by her then nor of knowing that she was doing what is either wrong or contrary to law".

9. From the evidence above stated it follows that on the date of the occurrence the accused who was getting into ~~monthly~~ mental derangement had a fit on that day, that she was seen by P.W.4 Malamma her mother-in-law sitting -- gloomily with her two sons Revanna and Shivanna playing about and that~~x~~ some time later the accused and her two sons were found in the well.

10. The question is whether the accused could not have thrown the -- children - the two boys and herself into the well. There was a suggestion made by the defence counsel that the accused might have slipped into the well and her two boys also jumped into the well seeing the mother inside. It appears to me to be not possible that the accused could have slipped into the well nor does it appear to be possible that the boys could have slipped into

the

the well as the evidence of P.W.10 shows that there was a parapet wall of 2½ feet round the brink of the well. There is no other possible way of explaining the presence of the accused and the two boys inside the well than that the accused threw the two boys and herself into the well. Though P.W.4 Malamma, mother-in-law and P.W.5 the husband of the accused say that there was no quarrel or any illfeeling between the accused and either of them. I therefore conclude that the accused must have thrown the two boys into the well and therefore she would be guilty of the offence under Section 302 of the Indian Penal Code if there were no circumstances falling within Section 84 of the Indian Penal Code.

11. I also conclude that the accused threw herself into the well and the reasonable inference to be drawn from her act is that she attempted to commit suicide and therefore would be guilty of the offence under Section 309 Indian Penal Code if there were no circumstances bringing her within the provisions of Section 84 Indian Penal Code.

12. The further question is whether the accused was by reason of unsoundness of mind incapable of knowing the nature of the act or that she was doing what was either wrong or contrary to law. The evidence of P.W.1 is "I got the history of the accused from her

her husband. From that history I say that if the accused committed any act during the period of insanity/she would not be in a position to remember the act during her lucid interval. During the period of insanity of the accused, she would not be capable of knowing the nature of the act done by her then nor of knowing that she was doing what is either wrong or contrary to law". From the evidence of P.W.4 Kalamma, P.W.5 Mudrappa, P.W.6 Venkatalekshmamma, P.W.8 Sonu Rao, it is clear that the accused was in a fit of gloom at the time of the occurrence and so the accused could not have by reason of unsoundness of mind been capable of knowing the nature of the act or that she was doing what was either wrong or contrary to law. Her case therefore falls under Section 84 of the Indian Penal Code.

13. Two of the assessors were of opinion that the accused threw Revanna and Shivanna and she also fell into the well but she was not guilty as she was insane then and did not understand the nature of the act or the consequences of her act of either of the offences namely, Section 302 or 309 Indian Penal Code. The other assessor was of opinion that the accused was not guilty of any of the offences charged as in his opinion the accused and the boys might have fallen accidentally into the well.

14.

14. Agreeing with the opinion of the two of the assessors I find that the accused threw the boys Revanna and Shivanna into the well and she also fell into the well but she is not guilty of the offences under Section 302 or 309 Indian Penal Code as she, by reason of unsoundness of mind was incapable of knowing the nature of her act or that she was doing what was either wrong or contrary to law. I therefore acquit her of the charges.

15. Under Section 472 Criminal Procedure Code, the accused shall be kept in the Mental Hospital, Bangalore and a report will be made to the Government.

Pronounced in Open Court by dictation to Shorthand Writer and the transcript thereof after revision has been signed.

Sd/ T. Singaravelu Mudaliar.
Sessions Judge.
24.10.1935.

DISTRICT & SESSIONS COURT, BANGALORE CIVIL DIVISION.

Copy applied for on 24-10-'35
Copy ready on 25-10-'35 25/10/35
Copy delivered on 25-10-'35
Steno-typist

"Copy"

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NG.

Appendix.

IN THE COURT OF SESSIONS, BANGALORE DIVISION.

Bangalore Sessions Case No. 1 of 35-36.

Government of Mysore. -Vs.- Devamma.

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1. The following witnesses were examined on behalf of Prosecution:-

P.W.1. Ramiah.
2. Irosappa.
3. Basappa.
4. Malamma.
5. Rudrappa.
6. Venkatalakshmamma.
7. Rudramuniappa.
8. Setu Rao.
9. Sanjeeva Raju.
10. Mr. Narayana Setty.
11. Malliah.
12. Krishnappa.
13. Mr. B.R. Ramalinga Reddy.
14. Dr. F. Noronha.

2. No witnesses were examined on behalf of Defence.

3. The following documents were admitted in evidence on behalf of prosecution:-

P.1. Statement of Rudramuniappa recorded by the Police on 30.3.35.

2. Docket No.2658 dated 3.4.1935 from the Medical Officer, Victoria Hospital, to the Inspector of Police, Bangalore City Crime Branch.

3. Post mortem certificate for having conducted post mortem on the body of Devamma.

4. Post mortem certificate for having conducted post mortem on the body of Sivappa.

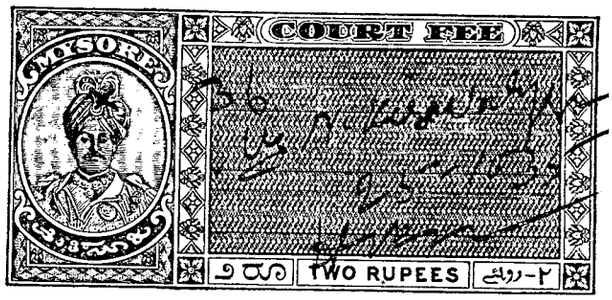
5. Examination of the accused before the Lower court.

4. The following documents were admitted in evidence on behalf of Defence:

D.1 & D.2. Portions of deposition of P.W.14 before the lower court who is P.W.14 in this court.

5. No articles were marked in the case.

HG.



In the Court of the Government of His Highness The Maharaja of Mysore

At Bangalore.

No. Judicial Mis Petn No. of 19

~~Plaintiff~~. *Defendant.*

Petitioner:—

Rudrappa

I, Rudrappa petitioner above-named do hereby appoint and retain Mr. N. Keshavaiengar B.A., B.L. Advocate to appear for me/us in the above case and to conduct, and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein. I/We empower my/our Advocate to appear in all miscellaneous proceedings in the suit or matter till all decrees or orders are fully satisfied or adjusted and to obtain the return of documents and draw any moneys that might be payable to me/us in the said suit or matter. And I/We undertake to ratify and Confirm all legal acts done or caused to be done by my/our said Advocate in the case by virtue of these presents.

In witness whereof I/We have hereunto set my/our hand this day of 25th October 1935.

L.T.M. of Rudrappa.

Accepted.

N. Keshavaiengar

Advocate.

Signed by the Executant who is known to me in my presence.

A.R.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Gen

File No. CS 89-35

Serial No. 3

No. P 2855/Sec 3

Diary No. of letter replied to.....

To

The I. G. of Prisons

General and Revenue Secretariat

( )

the *193*

Sir,

I am directed to forward herewith the petition d 25-10-35 together with its enclosures (for kind return) presented by Mr. V. Kesavalyengar, Advocate on behalf of one Rudrappa praying for release of the accused Devamma who has been ordered to be Confined in the Mental Hospital, in Bldr persons Case 1/35-36, ~~requesting~~ to kindly ... and to request that a report as to the Condition of the Criminal lunatic and the desirability or otherwise of her being

Date of issue 29/10/35

Signed by [illegible]

List of enclosures.....

Copied by W.29/10.

Examined by.....

WD 03601—GPB—30,000—23-9-35

3 and handed over to her husband as prayed for

released may kindly be given

for order of Govt. immediately

I have etc

29/10 Mgr Secy

29/10

38

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 2855 Sec B

Dated, Bangalore, 29th October 1935.

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Inspector General

of Prisons in Mysore, Bangalore.

Sir,

I am directed to forward herewith the petition dated 25th October 1935 together with its enclosures (for kind return) presented by Mr.N.Keshava Iyengar, Advocate on behalf of one Rudrappa praying for release of the accused Devamma who has been ordered to be confined in the Mental Hospital, in Bangalore Sessions case 1/35-36 and to request that a report as to the condition of the criminal lunatic and the desirability or otherwise of her being released and handed over to her husband as prayed for may kindly to be sent for orders of Government immediately.

I have the honour to be,

Sir,

Your most obedient servant,

For General Secretary to Government.

TSS.

2732

MYSORE MEDICAL DEPARTMENT

Telephone **No. 215**

OFFICE OF THE SENIOR SURGEON IN MYSORE,

No. 24-34-3
Enc. 4

Bangalore, dated the 22 March 1934

Law 90-35-1

FROM

SASTRAVAIDYA PRAVINA
S. SUBBA RAO, ESQ., B.A., M.B.C.M., M.R.C.S. ~~(Eng.)~~, L.R.C.P., D.P.H.,
Senior Surgeon with the Government of H. H. the Maharaja of Mysore.

To

The General Secretaryto the Government of
His Highness the Maharaja of Mysore,
Bangalore.

4 NOV. 1935

Sir,

With reference to your letter No. P.2855 dated 29th October 1935 forwarding for report the petition dated 25th October 1935 presented by Mr. N.Kesava Iyengar, Advocate on behalf of one Rudrappa praying for release of accused Devamma, I have the honor to forward herewith for the information of Government, a copy of letter No. 1532 dated 31st October 1935 received from the Superintendent, Mental Hospital,Bangalore stating that Devamma does not exhibit any signs of Mental disorder at present and that she may be discharged from the Hospital and handed over to the care of her relatives under certain conditions.

Under the circumstances reported by the Superintendent,

I approve of his recommendation that the accused Devamma may be discharged from the Hospital.

The enclosures received with your letter of the 29th October 1935 are herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

S. Subba Rao

Inspector-General of Prisons.

Letter No. 1532 dated 31st October 1935 from the Superintendent, Mental Hospital, Bangaloe to the Inspector-General of Prisons in Mysore, Bangalore.

With reference to your letter No. 2494 dated 30th October 1935 calling for a report re- criminal lunatic Devamma, I have the honor to submit as follows:-

Devamma does not exhibit any signs of mental disorder at present. She could be discharged from the Mental Hospital and handed ower to the care of her relatives under two conditions.

1) Provided the authorities are satisfied th t she will be taken good care of and treated kindly by her relatives.

2) Since her mental disorder is said to be periodic Devamma might be ordered to report herself at the Mental Hospital once a fortnight for a period not less than one year, for any advice or treatment that might be necessary.

All the papers sent for information are returned herewith as per instructions.

" C o p y "

S. Subbarao

Inspector- General of Prisons.

2-11-35

42

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

neral and Revenue Secretariat

No. P3077 Secl

Dated, Bangalore, 7th November 1935.

ENDORSEMENT.

To

N. ~~Krishna~~ Iyengar, Esq., B.A., B.L.,
Advocate, Bangalore City.

With reference to the petition under Section 475, Criminal Procedure Code, dated 25th October 1935 presente on behalf of one Rudrappa praying for the release of Devamma confined in the Mental Hospital, Bangalore, in pursuance of the orders of the Sessions Judge, Bangalore Sessions Case 1/35-36, the petitioner is hereby informed to produce a properly stamped security bond in the accompanying form for Rs.500/- duly executed before a Magistrate.

By Order,

Jr. General Secretary to Government.

Aga/2.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 90-35

Serial No. 2

Diary No. of letter replied to.....

No. P 3077 Judl Ext 1

To N. Keshavalengar, Esq B.A. B.L. Advocate, B'lore

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 7/11/35

Signed by

With reference to the ~~your~~ petition under Sec 475 Cr.P.C presented dated 25th Oct 1935 on behalf of one Rudrappa, praying for the release of ~~the accused~~ Devamma ~~who has been ordered to be~~ Confined in the General Hospital in B'lore in pursuance of the orders of the Sessions Judge, Bangalore in Sessions Case 155-36, ~~I am directed~~ the Petitioner is hereby informed ~~to state that you have decided~~ ~~That~~ to produce a properly stamped ~~to release he on producing a~~ security bond for Rs 500/- duly executed before a magistrate, ~~in the accompanying form~~. ~~On receipt of~~ ~~in further order can be passed under~~ the above.

List of enclosures. in the accompanying form

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

for B. Narayana
Secretary.

This Security bond executed this . . . . day of

November one thousand nine hundred and thirty-

five by Rudrappa Son of Linganna residing at

Kottige Veerabhadrappa's lane Attikuppe Bangalore City,

hereinafter called the Surety which expression shall

include all his heirs legal representatives, executors

and assigns in favour of the Govt of His Highness

the Maharaja of Mysore hereinafter called the

Govt

Whereas the Surety's wife by name

Devamma hereinafter called the Criminal lunatic

was ~~tried~~ arraigned on the 5th instant on the file of the

Sessions Judge, Bangalore ~~who in a charge had~~

~~been placed against her~~ for offences under sections

307 and 309 of the Indian Penal Code as in force in Mysore

~~I.P.C.~~

And whereas the said ~~Sessions~~ Sessions Judge Bangalore

~~Considered~~ having found upon the said criminal lunatic

was insane, and incapable of knowing the nature

of her act, ~~ordered~~ acquitted her of the offences

with which she was charged, and ordered her to be

detained in the Mental Hospital Bangalore, for safe

custody under sec 471 Cr P C

and whereas the surety petitioned to Court on 25.10.95 praying that the said Criminal lunatic should be delivered to his custody and offered to furnish the necessary security under sec 475 of the Code of Cr. Proc

Whereas the Court has been pleased to direct ~~on an order~~ that the Criminal lunatic may be delivered to the surety his giving security to the satisfaction of Court as required under sec 475 Cr. P.C. and the surety has agreed to give such security,

~~And whereas in pursuance of the said order of Court such lunatic has been taken delivery of the Criminal lunatic into his custody, the~~

Surety hereby covenants with Court as follows

1) the surety shall properly take care of the Criminal lunatic and prevent her from doing injury herself or to any other person

2) the surety shall produce the Criminal lunatic for inspection of such officer and at such time and place as the Court or officer ~~from time to time~~

3. The Surety shall produce the Criminal lunatic when required before the ~~Court~~ ~~Magistrate~~ aforesaid so long as the said Person is under these orders or accused has been declared by the Lunatic Asylum under Sec 471 Cr. P.C.

3 4 In the event of the Surety Committing a breach of any of the above Conditions or of this undertaking the Surety hereby binds himself to pay to Govt. of U.P. the sum of Rs 500/-

In witness whereof, the Surety has set his hand and seal the day and year first above written.

2857/35-47

Law 90-35-3

Before the Government
of His Highness the Maharaja
of Mysore, Bangalore.

Vide: P. 3077 (Encl)
Law 90-35-2.

Ref Petition under Section
475 Cr. P.C. presented
on behalf of Rudrappa
praying for the
release of Devamma
confined in the Mental
Hospital (S. C. No. 1/35/36)

Presented
by Rudrappa
Today
pore
9/11/35

In pursuance of
the endorsement dated
7.11.35 calling for a stamped
surety bond in the prescribed
form on a stamp paper,
the surety bond duly
executed before a Magistrate
is produced herewith.

Bangalore
8.11.35

L. T. M. of
Rudrappa
applicant-surety

S. D. Ganesha Rao
Advocate, &c.

Mr N Keshava Iyengar
advocate for applicant-surety

This Security Bond executed this eighth day of November one thousand nine hundred and thirty five by Rudrappa ,son of Lingappa, residing at Kottige Veerabhadrappa 's lane, Akkipet, Bangalore City, hereinafter called the Surety which expression shall include all his heirs, legal representatives, executors and assigns in favour of the Government of His Highness The Maharaja of Mysore hereinafter called the Government

Whereas the surety's wife by name Devamma hereinafter called the Criminal lunatic was tried in Bangalore in S.C.No.1 of 1935-36 on the file of the Sessions Judge, Bangalore, for offences under Sections 302 and 309 of the Indian Penal Code as in the Force in Mysore.

And whereas the said Sessions Judge, Bangalore, having found that the said criminal lunatic was insame at the time the offence was committed and incapable of knowing the nature of her act, acquitted her of the offences with which she was charged and ordered her to be detained in the Mental Hospital Bangalore, for safe custody under Section 471 of Criminal procedure Code.

And whereas the surety petitioned to Government on 25th October 1935 praying that the said criminal lunatic be delivered to his custody and offered to furnish the necessary security under section 475 of the Code of Criminal Procedure.

And Whereas, the Government have been pleased to direct that the Criminal Lunatic may be delivered to the surety on his giving security to the satisfaction of the Government as required under Section 475 of the Criminal Procedure Code and the surety has agreed to give such security.

1. The Surety hereby covenants with Government as follows :-

44 No. 2052 — Rs. 3 12 0

Name Mr. L. Rudrappa.

Date 8/11/35 L.T.M. Rudrappa
Bangalore City. Vendor.

STATE TREASURY 4 NOV. 1935

(i) The Surety shall properly take care of the criminal lunatic and prevent her from doing injury to herself or to any other person ;

(ii): The surety shall produce the criminal lunatic for inspection of such Officer and at such time and place as the Government may direct

(iii). In the event of the surety committing a breach of any of the above conditions of this indenture the surety hereby binds himself to pay to the Government a sum of Rs 500-0-0 (rs.five hundred only)

IN WITNESS WHEREOF ,the Surety has set his hand and seal the day and the year first above written.

Witnesses:-

1.

2.

L.T.M. of Rudrappa, Son of Lingappa.

Executed Before Me

Date 8/11/35

Bangalore

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read: Order No. P 313)-41 Law 90-35-4

Dated Bangalore, 9th November 1935.

Whereas Mr. Rudrappa, son of Lingappa, Akkipet, Bangalore City, applied to Government for delivery to his care and custody of his wife Devamma, a criminal lunatic detained in the Mental Hospital, Bangalore, under the orders of the District & Sessions Judge, Bangalore, under section 471, Criminal Procedure Code, in Bangalore S.C. No.1/35-36 on his file and has executed a security bond on 8th November 1935 for the due fulfilment of the conditions mentioned in clause (1) of Section 475 of the Code of Criminal Procedure 1904, Government are pleased to direct under Section 475 Criminal Procedure Code, that the said criminal lunatic be discharged and delivered to the care and custody of the said applicant Mr. Rudrappa.

2. The said criminal lunatic shall be produced by Mr. Rudrappa once every fortnight before the Superintendent, Mental Hospital, Bangalore, at such time and place as the said officer may fix from time to time for a period of not less than one year from this date and thereafter also if such officer so directs.

9.11.35
for General Secretary to Govt.

The Inspector-General of Prisons in Mysore,
The Senior Surgeon in Mysore,
The District Magistrate, Bangalore,
The Registrar, High Court of Mysore,
The District & Sessions Judge, Bangalore.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary. No of letter replied to .....

Section Law

File No. 90-3[illegible]

Serial No. 4

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 9/11/ 193 .

Read—

Signed by M.N.R.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order thereon.—No. P 3137-41

Whereas Mr. Rudrappa son of Linganna, Attender Kolbail P. Dakshina Bangalore City applies to Govt. for delivery to his care and custody of his wife Devamma a Criminal lunatic

detained in the Mental
Hospital B-lore under
the orders of the D-t Sessions Judge
B-lore under Sec. 471
Cr. Pr. Code in Bangalore
S. C No. 175-36 on his file
and has executed a security
bond on 8-11-35 for
his due fulfilment
of the conditions mentioned in cl. (1)
~~of~~ Sec. 475 of the
Code of Cr. Pr. 1904,
Govt. are pleased to direct
under Sec. 475 Cr. Pr. Code
that the said criminal
lunatic be discharged
and delivered to the care & custody
of the said applicant Mr. Rudrappa

List of Enclosure

2) The said criminal
lunatic shall be
produced by Mr. Rudrappa

Copied by

Examined by

once ~~a~~ every fortnight-

~~for a period not less than one year~~ from this date before the Superintendent Mental Hospital, B-Lane ~~for any advice or treatment that might be necessary.~~ at such time and place as the said Officer may fix from time to time for a period of not less than one year from this date. and thereafter, if such also Officer so directs.

Sgd 9/11 Sen Surg

9/11

To

The Dy Commissioner
" Senior Surgeon
" The D M B-Lane.
" The Registrar, High Court
" The District Justice, Dunedin

A copy of this has to be given to the petitioner also sent to Superintendent Mental Hospital to avoid delay

9/11

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No.

To

General and Revenue Secretariat

( )

the *193*

Date of issue.....

Signed by .....

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35